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UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

EXHIBIT

1

JAN J. BROWN, JAMES BROWN AND
BARBARA BROWN,

Plaintiffs,

VS

CIVIL ACTION NUMBER
04-11924-RGS

UNITED STATES OF AMERICA,
VERIZON NEW ENGLAND, INC.,
AND BOSTON EDISON COMPANY
D/B/A NSTAR ELECTRIC,

Defendants.

DEPOSITION OF

MURRAY BURNSTINE, P.E.

February 20, 2007
10:50 a.m.

Prince, Lobel, Glovsky & Tye, LLP
100 Cambridge Street
Boston, Massachusetts

Laurie J. Driggers, Certified Court Reporter, Registered Professional Reporter,
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1 degree?

2 A. When or where?

3 Q. Where?

4 A. Wayne State University, Detroit,
5 Michigan.

6 Q. Okay.

7 A. It's -- mechanical engineering with
8 a specialty in automotive engineering.

9 Q. Okay. Do you have a degree in
10 civil engineering?

11 A. No.

12 Q. Have you taken courses in civil
13 engineering?

14 A. Yes.

15 Q. What courses have you taken?

16 A. Surveying.

17 Q. Is that it?

18 A. Yup.

19 Q. Okay. And when did you take that
20 course and where?

21 A. Sometime between 1947 and 1952. It
22 was an undergraduate course. Had to
23 survey a park on the outskirts of Detroit,
24 Michigan.

1 Q. Have you taken any courses in
2 highway design?

3 A. No.

4 Q. Have you taken any courses in
5 roadside design?

6 A. No.

7 Q. Have you taken any courses in
8 roadway design?

9 A. What?

10 Q. Roadway design?

11 A. No.

12 Q. Have you attended any seminars
13 regarding highway design, roadside design
14 or roadway design?

15 A. Well, I've been at seminars where
16 the group from the Harvard Study would
17 have a presentation. And one of my
18 co-workers was Murray Segal, a highway
19 designer. So I would hear his
20 presentation -- you know, the role of the
21 highway in causing accidents, that type of
22 thing.

23 Q. How many times have you seen Murray
24 Segal's presentation?

1 legal question.

2 Q. Are you familiar with the Yellow
3 Book?

4 A. Not by that name.

5 Q. Okay. Have you taken any courses
6 in -- that are given with respect to
7 publications by AASHTO?

8 A. I don't know what you mean.

9 Q. Have you ever taken or attended a
10 seminar where the topic of the seminar was
11 an AASHTO publication?

12 A. No.

13 Q. Have you ever taken a course from
14 the Federal Highway Administration
15 regarding roadway or roadside design?

16 A. No.

17 Q. Do you have any training from any
18 state department of transportation with
19 respect to roadside or roadway design?

20 A. No.

21 Q. Are you familiar with the -- any
22 law or regulation in Massachusetts that
23 deals with roadside design?

24 A. No.

1 Q. Are you familiar with any law or
2 regulation in Massachusetts that deals with
3 placement of utility poles?

4 A. No.

5 Q. You're not a licensed civil
6 engineer, are you?

7 A. No.

8 Q. Are you an accredited traffic
9 accident reconstructionist?

10 A. Well, I've been -- I've been
11 testifying for the last 40 years, but I
12 don't -- I don't have a -- a diploma that
13 says I'm accredited.

14 Q. Okay. Are you licensed in any
15 state to be an accident reconstructionist
16 by any licensing authority?

17 A. No. I'm a licensed professional
18 engineer in two states, but -- in
19 engineering.

20 Q. And that's as a mechanical
21 engineer?

22 A. Yes.

23 Q. Okay. Are you licensed or
24 accredited by any organization in roadside



1 design?

2 A. No.

3 Q. Okay. On your resume, Page 6,
4 your CV, you list four societies in which
5 you are a member. Is that up-to-date?

6 A. Yes.

7 Q. You're not a member of any other
8 professional societies at this time?

9 A. No.

10 Q. Have you ever been a member of any
11 other professional societies?

12 A. Yeah. I was a member of the
13 Bulletin of Atomic Scientists. And I
14 didn't like their politics, so I quit.

15 Q. Have you ever been a member of the
16 Transportation Research Board?

17 A. No.

18 Q. How about the Task Force for --
19 Task Force for Roadside Safety of AASHTO?

20 A. No.

21 Q. How about Task Force 13 of AASHTO?

22 A. What is that last one?

23 Q. Task Force 13?

24 A. No.

1 Q. Have you ever heard of Task Force
2 13?

3 A. No.

4 Q. Have you ever heard of the Task
5 Force for Roadside Safety of AASHTO?

6 A. No.

7 Q. Ever been a member of the American
8 Trafafy -- Traffic Safety Services
9 Association?

10 A. No.

11 Q. Have you ever been a member of the
12 International Association of Accident
13 Reconstruction Specialists?

14 A. No.

15 Q. How about the National Association
16 of Professional Accident Reconstruction
17 Specialists?

18 A. No.

19 Q. How about the Society of Accident
20 Reconstructionists?

21 A. No.

22 Q. Have you ever been a member of any
23 professional organization that concerns
24 itself with accident reconstruction?

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1 A. I guess the Society of Automotive
2 Engineers.

3 Q. Okay. And have you been a member
4 of any of the groups within the Society of
5 Automotive Engineers that specifically
6 concerns itself with accident
7 reconstruction?

8 A. No. I bought their -- I bought
9 their publications.

10 Q. About --

11 A. Papers, that type of thing.

Q. About accident reconstruction?

13 A. Yes.

14 Q. Are you a member of the Accident
15 Reconstruction Network?

16 A. No.

17 Q. Have you ever served as a
18 consultant regarding utility pole design?

19 A. I've done accident investigations
20 where a utility pole was either struck, or
21 the wires were struck, and the pole came
22 down on top of a car, or a transformer
23 fell down on top of a car -- that type of
24 thing.

1 Q. Have you ever provided consulting
2 services to a utility company regarding
3 the design of a line of utility poles?

4 A. No. I've -- I've been retained by
5 utility companies, but not for pole
6 design.

7 Q. Do you have any training in the
8 design of utility poles?

9 A. Just whatever applies in, you know,
10 physics, chemistry.

11 Q. Well, have you ever taken any
12 courses, specifically, with respect to the
13 design of utility poles?

14 A. I think there were some
15 undergraduate courses that had to do with
16 power transmission, different types of
17 poles, that type of thing. Just -- as an
18 undergraduate, you get a smattering of
19 electrical engineering and chemical
20 engineering.

21 Q. Well, my question's more specific.

22 Have you ever taken any courses
23 with respect to utility pole placement?

24 A. No.